

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

GONZALEZ-Villa, Joel

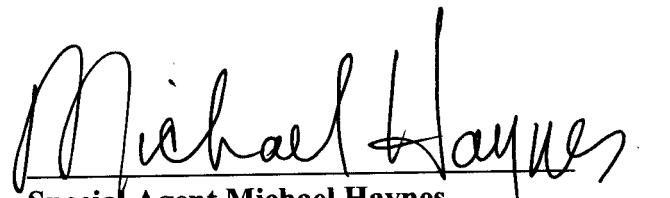
Defendant,

2008 MJ 0078
) Magistrate Docket No: '08 MJ 0078
) Case No. U.S. DISTRICT COURT
) SOUTHERN DISTRICT OF CALIFORNIA
) LAW
) COMPLAINT FOR VIOLATION OF:
) BY DEPUTY
) **Title 8 USC, Section 1326**
)
)
) Deported Alien Found in the United States
)
) (Felony)
)
)
)
)

The undersigned complainant, being duly sworn, states:

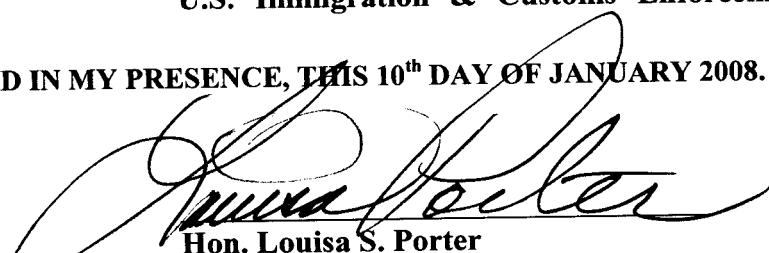
On or about September 29, 2007, within the Southern District of California, Defendant Joel GONZALEZ-Villa, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Special Agent Michael Haynes
 U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10th DAY OF JANUARY 2008.



Hon. Louisa S. Porter
 U.S. Magistrate Judge

STATEMENT OF FACTS

Joel GONZALEZ-Villa came to the author's attention pursuant to the author's duties with U.S. Immigration & Customs Enforcement (ICE). On January 9, 2008, during a review of deported aliens, the author determined that GONZALEZ had been deported from the United States to Mexico and had subsequently been contacted by local law enforcement within the Southern District of California. After receiving this information, the author reviewed GONZALEZ' alien file, automated records, and records maintained by the National City Police Department.

During a review of GONZALEZ' alien file, the author observed an immigration judge's order dated July 25, 2007, mandating GONZALEZ' removal from the United States to Mexico. The author also reviewed a form I-205 (Warrant of Deportation/Removal) with GONZALEZ' photograph and fingerprint upon it. This form, which was executed on July 25, 2007, documents GONZALEZ' physical removal from the United States to Mexico on that same date through the port at Nogales, Arizona. A form I-213 (Record of Deportable/Inadmissible Alien) was also included in GONZALEZ' alien file. This form identifies GONZALEZ as a citizen of Mexico born March 23, 1978, in Tijuana, Baja California, Mexico. Photographs and fingerprints taken by immigration officers in preparation for GONZALEZ' deportation were additionally included in his alien file, as was a copy of his identification card issued by the state of California.

On the morning of January 10, 2008, the author retrieved a copy of a field interview report generated by Officer Macias of the National City Police Department. This report indicates that on September 29, 2007, at approximately 1:20 a.m., Officer Macias encountered GONZALEZ in the 600 block of Highland Avenue within National City, California. During his interview of GONZALEZ, Officer Macias identified him by name, physical appearance, and date of birth. He further referenced GONZALEZ' California identification number, which is the same as that found within GONZALEZ' alien file.

A review of records maintained by the U.S. Department of Homeland Security yields no indication that GONZALEZ has applied for or received permission to reapply for admission to the United States after deportation.